

OFFICIAL SECRETS ACTS, 1911 & 1920

Paras 5 - 7 inclusive

Unauthorized Possession of Documents, Dies, etc.:

5. If any person --

- (a) retains for any purpose prejudicial to the safety or interests of the State any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any Government Department or any person authorized by such Department with regard to the return or disposal thereof; or
- (b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or pass word issued for the use of some person other than himself, or on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police constable; or
- (c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale any such die, seal or stamp as aforesaid:

he shall be guilty of a misdemeanour.

Wrongful Communication etc. of Information:

- 6. (1) If any person having in his possession or control any secret official code word or pass word or any sketch, plan, model, article, note, document, or information which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of the Official Secrets Acts, or which has been entrusted in confidence to him by any person holding office under His Majesty or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under His Majesty, or as a person who holds or has held a contract made on behalf of His Majesty, or as a person who is or has been employed under a person who holds or has held such an office or contract --

- (a) communicates the code word, pass word, sketch, plan, model, article, note, document, or information to any person, other than a person to whom he is authorized to communicate it, or a person to whom it is in the interest of the State his duty to communicate it; or
- (b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety or interests of the State; or
- (c) retains the sketch, plan, model, article, note or document, in his possession or control, when he has no right to retain it or when it is contrary to his duty to retain it or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or
- (d) fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document, secret official code or pass word or information;

that person shall be guilty of a misdemeanour.

(2) If any person having in his possession or control any sketch, plan, model, article, note, document or information, which relates to munitions of war, communicates it directly or indirectly to any foreign power or in any other manner prejudicial to the safety or interests of the State that person shall be guilty of a misdemeanour.

(3) If any person receives any secret official code word or pass word or sketch, plan, model, article, note, document, or information, knowing or having reasonable ground to believe at the time when he receives it, that the code word, pass word, sketch, plan, model, article, note, document, or information is communicated to him in contravention of the Official Secrets Acts, he shall be guilty of a misdemeanour unless he proves that the communication to him of the code word, pass word, sketch, plan, model, article, note, document, or information was contrary to his desire.

Duty of Giving Information as to Commission of Offences:

- 7. It shall be the duty of every person to give on demand to a chief officer of police, or to a superintendent or other officer of police not below the rank of inspector appointed by a chief officer of police for the purpose, or to any member of His

any person engaged on guard, sentry, patrol, or other similar duty, any information in his power relating to an offence or suspected offence under the Official Secrets Acts, and, if so required and upon tender of his reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing such information, and, if any person fails to give any such information or to attend as aforesaid, he shall be guilty of a misdemeanour.

